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Attorneys for Defendants

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

XIU FANG LUO,) No. C 08-0340 PJH

Plaintiff,)

v.)

MICHAEL CHERTOFF, Secretary,) JOINT CASE MANAGEMENT
 Department of Homeland Security; EMILIO) STATEMENT; PROPOSED ORDER
 GONZALEZ, Director, United States)
 Citizenship and Immigration Services;)
 JOSEPH P. RUSSONIELLO,* United)
 States Attorney, California Northern)
 District; ROSEMARY MELVILLE, San)
 Francisco District Director; ROBERT S.)
 MUELLER, III, Director of the Federal)
 Bureau of Investigation,)
 Defendants.)

1. Jurisdiction and Service: There are no issues concerning personal jurisdiction or venue. Plaintiffs brought this Complaint under 28 U.S.C. §§ 1331, 1361 and 2201, the Administrative Procedure Act, and 8 U.S.C. § 1447(b). All parties have been served.

2. Facts: On March 10, 2005, Plaintiff applied for naturalization. On July 18, 2006, Plaintiff was interviewed by the U.S. Citizenship and Immigration Services. Plaintiff's name check is still

*Pursuant to Fed. R. Civ. P. 25(d)(1), Joseph P. Russoniello is substituted for his predecessor, Scott Schools, as the United States Attorney for the Northern District of California.

CASE MANAGEMENT STATEMENT
 No. C 08-0340 PJH

1 pending with the Federal Bureau of Investigation. On January 17, 2008, Plaintiff filed the instant
2 Complaint.

3 3. Legal Issues: The principal legal issue the parties dispute is whether the Court should
4 render a decision on Plaintiff's naturalization application in the absence of a completed name check.

5 4. Motions: Defendants anticipate filing a motion to remand this matter to the agency for
6 adjudication upon completion of the name check.

7 5. Amendment of Pleadings: None.

8 6. Evidence Preservation: None.

9 7. Disclosures: The parties agree that this Court's review will be confined to the
10 administrative record and therefore this proceeding is exempt from the initial disclosure
11 requirements under Fed. R. Civ. P. 26.

12 8. Discovery: There has been no discovery to date and the parties believe this matter can be
13 resolved without discovery. No experts will be designated.

14 9. Class Actions: Not applicable.

15 10. Related Cases: None.

16 11. Relief: Plaintiff asks that the Court require Defendants to adjudicate and approve his
17 application. This case does not involve damages.

18 12. Settlement and ADR: Defendants filed a Request to Be Exempt From Formal ADR on
19 April 1, 2008.

20 13. Consent to Magistrate Judge for All Purposes: Defendants have not consented to
21 assignment of this case to a United States Magistrate Judge.

22 14. Other References: None.

23 15. Narrowing of Issues: None.

24 16. Expedited Schedule: The parties believe this matter can be solved through motions.

25 17. Scheduling: The parties suggest the following dates:

26 Last day for Defendants to file Motion to Remand: May 28, 2008

27 Last day for Plaintiff to file Opposition: June 11, 2008

28 Last day for Defendants to Reply: June 18, 2008

Hearing: July 2, 2008, at 9:00 a.m.

18. Trial: Should the Court deny the motion to remand, the parties request the court to schedule a further case management conference to schedule a hearing date on Plaintiff's application for naturalization.

19. Disclosure of Non-party Interested Entities or Persons: None.

20. Such other matters as may facilitate the just, speedy and inexpensive disposition of this matter: None.

Dated: April 15, 2008

Respectfully submitted,

JOSEPH P. RUSSONIELLO
United States Attorney

/s/
MELANIE L. PROCTOR¹
Assistant United States Attorney
Attorneys for Defendants

Dated: April 8, 2008

/s/
XIU FANG LUO
Pro Se

[PROPOSED] CASE MANAGEMENT ORDER

The Joint Case Management Statement and Proposed Order are hereby adopted by the Court as the Case Management Order for the case, and the parties are ordered to comply with this Order.

Date:

PHYLLIS J. HAMILTON
United States District Judge

¹I, Melanie L. Proctor, hereby attest that I have on file all holograph signatures for any signatures indicated by a "conformed" signature (/S/) within this efiled document.

CERTIFICATE OF SERVICE

Xiu Fang Luo v. Michael Chertoff, et al.
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The undersigned hereby certifies that she is an employee of the Office of the United States Attorney for the Northern District of California and is a person of such age and discretion to be competent to serve papers. The undersigned further certifies that she is causing a copy of the following:

JOINT CASE MANAGEMENT STATEMENT; PROPOSED ORDER

to be served this date upon the party(ies) as follows:

✓ **FIRST CLASS MAIL** by placing such envelope(s) with postage thereon fully prepaid in the designated area for outgoing U.S. mail in accordance with this office's practice.

____ **PERSONAL SERVICE (BY MESSENGER)** I caused such envelope to be delivered by hand to the person or offices of each addressee below.

____ **FACSIMILE (FAX)** Telephone No.: _____ I caused each such document to be sent by facsimile to the person or offices of each addressee below.

____ **FEDERAL EXPRESS**

____ **CERTIFIED MAIL**

____ **BY E-MAIL** I caused each such document to be sent by e-mail to the person or offices of each addressee below.

to the party(ies) addressed as follows:

Xiu Fang Luo, Pro Se
63 Mercury Street
San Francisco, California 94124

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on April 15, 2008 at San Francisco, California.

/s/
CAROL E. WEXELBAUM
Legal Assistant